

HOUSE No. 4

Accompanying the first recommendation of the Department of the State Auditor (House, No. 3).
Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine.

AN ACT RELATIVE TO LOCAL MANDATES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and
by the authority of the same, as follows:*

1 SECTION 1. Section 1. Section 27C of Chapter 29 of the General Laws is hereby amended
2 by inserting after paragraph (c) the following:—

3 (c1/2) For the purposes of this section, state laws imposing any direct service or cost
4 obligation, state laws granting or increasing exemptions from local taxation, and administrative
5 rules or regulations resulting in the imposition of additional costs shall be termed “local
6 mandates,” provided that said laws, rules, and regulations take effect on or after January first,
7 nineteen hundred and eighty-one. Local mandates shall include but not be limited to any state
8 initiated statutory or regulatory action that:

9 (1) requires any city or town to undertake any service or cost obligation, or to establish,
10 expand or modify any existing activity in such a way that results in the expenditure of funds or
11 resources or results in the diversion of funds or resources from any existing activity; provided that
12 a new law containing a specific provision for local acceptance shall not be deemed a local
13 mandate. For the purposes of this section, the term “existing activity” shall include any program
14 or service lawfully undertaken by any city or town under the authority of any law, special law,
15 administrative rule or regulation, or city or town charter; amends an existing law that is effective
16 only in cities and towns that vote to accept it, provided that such amendment enacted after initial
17 local acceptance results in additional costs beyond those associated with the law initially
18 accepted. Such a subsequent amendment to a local option law shall not be deemed a local
19 mandate if the subsequent amendment contains a specific provision for a separate vote for local
20 acceptance.